

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicants thank the Examiner for indicating the presence of allowable subject matter in claims 6 and 7. Claims 8 and 12 depend from claim 7 and should also be deemed allowable.

New claims 13-33 have been added to recite previously unclaimed subject matter as supported throughout the specification, for example, at page 2, lines 4-11; page 6, line 17-page 7; line 8; and the Examples of Tables 1-4. In light of the amendments above, and for at least the reasons presented below, Applicants respectfully submit that each of claims 1-33 contain allowable subject matter.

I. Claim Objections

Claims 3 and 7 stand objected to for informal matters. In response, claim 3 has been amended to properly depend from claim 1, and the phrase "during a period of within one hour" of claim 7 has been replaced with "for at most one hour", i.e., about one hour or less. These amendments are considered non-narrowing, and no estoppel should be deemed to attach thereto.

II. 35 USC § 112

Claims 6-8 and 12 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, claim 6 has been amended to correct any lack of antecedent basis. This amendment is considered non-narrowing, and no estoppel should be deemed to attach thereto.

III. 35 USC § 102

Claims 1-3, 8 and 9 stand rejected under 35 USC § 102(e) as being anticipated by Bryant et al. (U.S. Patent No. 6,469,443). The Office Action asserts that because no certified copy of the foreign priority document has been filed, Applicants are prohibited from relying upon the priority document. However, as a sworn copy of an English-language translation of JP 2000-298903 is attached hereto, and the subject matter of present claims 1-3, 8 and 9 are supported by the English-language translation, reconsideration and withdrawal of this rejection is respectfully requested.

IV. 35 USC § 103

Claims 1-5 and 9-11 stand rejected under 35 USC § 103(a) as being unpatentable over Sakaguchi et al. (U.S. Patent No.

5,958,811). The Office Action acknowledges that Sakaguchi et al. do not disclose (1) that the glass is used for lighting; (2) identical ranges for MoO₃ and S; and (3) MoO₃ among a list of four components, but proposes that such differences would have been obvious to one of ordinary skill in the art at the time the present invention was made.

With respect to difference (1), Applicants respectfully submit that the presently claimed invention relates to "a colored glass for lighting," "a colored glass bulb for lighting" and "a colored glass tube for lighting." These may be used for a turn signal lamp and a cover for fog lamps of automobiles, as discussed on page 1 of the present specification.

In contrast, the invention of Sakaguchi et al. relates to an ultraviolet and infrared absorbing glass (col. 1, lines 5-6), which is to be used for a window glass of automobiles and construction materials. Although the Office Action makes reference to MPEP § 2111.02 in dismissing the term "for lighting," as used in the preamble of the claims, it is submitted that one of ordinary skill in the art of glasses used for lighting would not look to Sakaguchi et al. Specifically, while the glass of the reference is designed to absorb radiation, the glass of the present claims is designed to transmit radiation.

Thus, Sakaguchi et al. is non-analogous prior art. As recognized by the Federal Circuit and CCPA, the cited art must be in the same field as the claimed invention or be relevant to the particular problem, and the differences in both structure and function must be analyzed. MPEP § 2141.01(a), citing In re Oetiker, 977 F.2d 1433 (Fed. Cir. 1992) and In re Ellis 476 F.2d 1370 (CCPA 1973). Because the glass of Sakaguchi et al. has a different intended function and solves a different problem than the glass of the present claims, the subject matter disclosed by Sakaguchi et al. is non-analogous to the subject matter of the present claims.

With respect to difference (2), the Office Action points to a teaching to optionally include 0-1% of MoO₃ and/or S (in terms of SO₃). Thus, because the ranges disclosed by the reference overlap the presently recited ranges, the Office Action continues, the narrower recited ranges are *prima facie* obvious. However, it is clear that the reference fails to recognize a problem solved by the presently claimed invention. Applicants note the fifth full paragraph of page 4 of the present specification, wherein it is stated that utilizing excess Mo and S₂ causes formation and precipitation of black crystals which can negatively affect both color and transparency of the resulting glass. Additionally, Comparative Example 20 of Table 4,

including 0.8 % wt of MoO_3 , results in poor optical properties, with a black color and black crystals impairing transparency, further described at page 12, lines 22-24. Thus, the selection of "0.01-0.6 of weight ratio of Mo (molybdenum) as MoO_2 (molybdenum trioxide) and 0.01-1.0 of weight ratio of S (sulfur)" avoids problems neither recognized nor solved by the cited reference. While the presence of black color and/or black crystals may not negatively effect the bronze or grey-tinted radiation absorbing glasses of the reference, they are not desired in the glasses used in lighting as recited by the present claims.

Accordingly, it is submitted that the rejections are unwarranted and should be withdrawn. Reconsideration is respectfully requested.

V. New Claims

Claims 13 and 19 recite 2.2% or more SrO and claims 14 and 20 recite 2.5% or more of BaO . These features are neither taught nor suggested by the cited references.

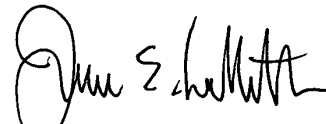
Applicants respectfully note that the presence of SrO and BaO decreases the viscosity of the glass. If the viscosity is low, processing of the glass is easy. For example, the glass heated to a high temperature can be easily formed into the glass bulb by blow-molding.

VI. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any additional fee is necessary to make this amendment complete, it may be charged to the undersigned's deposit account number 19-4375.

If any issues remain which may be best resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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